

JOYCE C. LONDON, P.C.
ATTORNEY AT LAW
20 VESEY STREET, SUITE 400
NEW YORK, NY 10007

Tel: 212 964-3700
Email: jlondonlaw@aol.com

Fax: 212 964-2926

April 5, 2012

BY ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Kissone Frederick,
09 Cr 258 (KAM))

Dear Judge Matsumoto:

The letter is submitted pursuant to the Court's Order dated March 23, 2012 that supplemental submissions in connection with Defendant Frederick's Rule 33 motion be submitted by April 5, 2012.

At this point, I have no supplemental submission to file on behalf of Mr Frederick. However, I would like to reserve the right to file any such submissions after the hearing to be held on April 12, 2012, if evidence adduced at that hearing so warrants.

I also wish to bring to the Court's attention, the two very recent Supreme Court decisions, issued on March 21, 2012, namely *Lafler v. Cooper*, 566 U.S. – (2012) and *Missouri v. Frye*, 566 U.S. – (2012). In both these cases, the Supreme Court addressed the issue of effective assistance of counsel during plea negotiations, confronting "the reality that criminal justice today is for the most part a system of pleas, not a system of trials". I believe that the analysis and reasoning set forth in *Lafler* and *Frye* will be relevant in addressing Mr Frederick's claim of ineffective assistance of counsel but that the relevance of these cases will be more appropriately discussed in relation to the complete factual record.

Very truly yours,

Joyce C. London
Joyce C. London

cc.: AUSA Carter Burwell (By ECF)